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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,469	04/09/2001	Carlos A. Silva JR.	06975-125001	6757
26171	7590	05/31/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			SALTARELLI, DOMINIC D	
		ART UNIT		PAPER NUMBER
		2611		

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/828,469	SILVA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dominic D. Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 2/12/01

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7, 10, 18, 19, 20, 22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Yen et al. (5,991,799) [Yen].

Regarding claims 1 and 20, Yen discloses a method and computer program for providing content relevant to television programming (col. 8 line 66 – col. 9 line 12), the method comprising:

Determining television programming being viewed by a viewer at a particular time (the background element monitors currently viewed programming col. 12, lines 10-15)

Determining context information associated with the television programming available for delivery to the viewer (col. 9, lines 49-63, wherein all available information items are ‘crosslinked’ with each other, col. 8, lines 57-65, which is how the system determines what context information is associated with television broadcasts, such as described in the example given in col. 8 line 66 – col. 9 line 12);

Making an intelligent selection from the available context information (col. 9, lines 13-35); and

Delivering the selected context information to the viewer (col. 11, lines 21-40).

Regarding claim 2, Yen discloses the method of claim 1, wherein determining television programming being viewed comprises determining the television programming tuned to by a set top box (fig. 1, wherein the set top box is elements 110 and 120, col. 4, lines 14-22).

Regarding claim 4, Yen discloses the method of claim 1, wherein determining context information associated with the television programming comprises determining context information based upon a television signal (such as a broadcast football game, col. 8 line 66 – col. 9 line 12) received by a set top box (fig. 1, wherein the set top box is elements 110 and 120, col. 4, lines 14-22).

Regarding claim 5, Yen discloses the method of claim 1, wherein determining context information associated with the television programming comprises determining context information based upon a channel identification number (col. 10, lines 40-49).

Regarding claim 7, Yen discloses the method of claim 1, wherein determining context information associated with the television programming comprises determining context information based upon a television show (col. 8 line 66 – col. 9 line 12).

Regarding claim 10, Yen discloses the method of claim 1, wherein determining context information associated with the television programming comprises determining context information based upon a program content category (users specify classes of content deemed interesting, col. 9 line 64 – col. 10 line 1).

Regarding claim 18, Yen discloses the method of claim 1, wherein the criteria for intelligent selection is viewer selected, and thus dynamically determined (col. 9 line 49 – col. 10 line 4).

Regarding claim 19, Yen discloses the method of claim 1, wherein delivering the selected context information to the viewer comprises displaying the context information by a set top box (fig. 1, wherein the set top box is elements 110 and 120, col. 4, lines 14-22).

Regarding claim 22, Yen discloses the computer program product of claim 20, wherein the computer readable medium is a client device (fig. 1, information

multiplexer 120, which performs the intelligent selection of context information, col. 9, lines 13-35).

Regarding claim 24, Yen discloses the computer program product of claim 20, wherein the computer readable medium is a propagated signal (an inherent feature, as any computer program must be a propagated signal in order to be utilized by the computer system in which it is disposed).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of Matthews, III. (5,654,748) [Matthews].

Regarding claims 3 and 9, Yen discloses the method of claim 1, but fails to disclose determining television programming being viewed comprises determining the television programming based upon an EPG identifier.

In an analogous art, Matthews teaches determining television programming being viewed based upon an EPG identifier (col. 5 line 65 – col. 6 line 13), for the benefit identifying programming in a simple manner.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Yen to include determining television programming being viewed based upon an EPG identifier, as taught by Matthews, for the benefit of identifying programming in a simple manner, as other means would require special codes or information to be associated with programming ahead of time, which would be cumbersome and expensive for analog broadcasts.

Regarding claim 8, Yen discloses the method of claim 1, but fails to disclose determining context information associated with the television programming comprises determining context information based upon an episode of a television show.

In an analogous art, Matthews teaches determining context information associated with the television programming based upon an episode of a television show (col. 7, lines 22-31), providing very specific additional information for viewers regarding viewed programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen to include determining context information based upon an episode of a television show, as taught by Matthews, for the benefit of providing very specific additional information to viewers regarding individual episodes within a television series.

5. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen.

Regarding claim 21, Yen discloses the computer program of claim 20, but fails to disclose the computer readable medium is a disc.

Examiner takes official notice that it is notoriously well known in the art to store computer programs on a disc, such as a hard disk drive, which provides a large amount of permanent storage on computer systems.

It would have been obvious at the time to a person of ordinary skill in the art to modify the computer program of Yen to use a disc as a computer readable medium, such as a hard disk drive, which provides large amounts of permanent storage for computer systems.

Regarding claim 23, Yen discloses the computer program product of claim 20, but fails to disclose the computer readable medium is a host device.

Examiner take official notice that it is notoriously well known in the art to perform complex interactive computations at the headend of interactive television systems, simplifying the home units needed to connect to the system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the computer program product of Yen such that the computer readable medium is a host device, for the benefit of reducing the complexity of home devices used by the system, thus lowering the cost of home units.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of Feinleib (6,637,032).

Regarding claim 6, Yen discloses the method of claim 1, but fail to disclose determining context information associated with the television programming comprises determining context information based upon a broadcaster identifier.

In an analogous art, Feinleib teaches coordinating a television broadcast with supplemental content based upon the broadcaster of the television broadcast (the MSNBC cable broadcast is supplemented with posting on the MSNBC web site, col. 1, lines 43-51), providing the benefit of broadcaster specific supplemental content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen to include coordinating a television broadcast with supplemental content based upon the broadcaster of the television broadcast, as taught by Feinleib, for the benefit of providing broadcaster specific supplemental content, granting broadcasters a measure of control over what supplemental content is associated with their own broadcast programming.

7. Claims 11, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of Bournas et al. (6,061,679) [Bournas].

Regarding claim 11, Yen discloses the method of claim 1, but fail to disclose making an intelligent selection comprises selecting context information based upon a predetermined hierarchy.

In an analogous art, Bournas teaches a method for searching for desired data (col. 4, lines 45-60) based upon a predetermined hierarchy (col. 7, lines 15-36), for the benefit of a more efficient search method (col. 2, lines 52-59).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen to include selecting based upon a predetermined hierarchy, as taught by Bournas, for the benefit of more efficiently searching for contextual information.

Regarding claim 13, Yen and Bournas disclose the method of claim 11, wherein the hierarchy is determined by a television program (Yen, col. 8 line 66 – col. 9 line 12).

Regarding claim 17, Yen discloses the method of claim 1, wherein the criteria for intelligent selection is viewer selected (col. 9 line 49 – col. 10 line 4), but fail to disclose the viewer selected criteria is a hierarchy.

In an analogous art, Bournas teaches a method for searching for desired data (col. 4, lines 45-60) based upon a predetermined hierarchy (col. 7, lines 15-36), for the benefit of a more efficient search method (col. 2, lines 52-59).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen to select context information using a hierarchy search method, as taught by Bournas, for the benefit of more efficiently searching for contextual information.

8. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen and Bournas as applied to claim 11 above, and further in view of Matthews.

Regarding claim 12, Yen and Bournas disclose the method of claim 11, but fail to disclose the hierarchy is determined by an episode of a television program.

In an analogous art, Matthews teaches determining context information associated with the television programming based upon an episode of a television show (col. 7, lines 22-31), providing very specific additional information for viewers regarding viewed programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen to include determining context information based upon an episode of a television show, as taught by Matthews, for the benefit of providing very specific additional information to viewers regarding individual episodes within a television series.

Regarding claim 15, Yen and Bournas teach the method of claim 11, but fail to disclose the hierarchy is determined by an EPG identifier.

In an analogous art, Matthews teaches determining television programming being viewed based upon an EPG identifier (col. 5 line 65 – col. 6 line 13) in order to locate additional information related to said program (col. 7, lines 22-31), for the benefit identifying programming in a simple manner.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Yen to include determining television programming being viewed based upon an EPG identifier, as taught by Matthews, for the benefit of identifying programming in a simple manner, as other means would require special codes or information to be associated with programming ahead of time, which would be cumbersome and expensive for analog broadcasts. .

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen and Bouras as applied to claim 11 above, and further in view of Feinleib.

Regarding claim 14, Yen and Bournas disclose the method of claim 11, but fail to disclose the hierarchy is determined by a broadcaster identifier.

In an analogous art, Feinleib teaches coordinating a television broadcast with supplemental content based upon the broadcaster of the television broadcast (the MSNBC cable broadcast is supplemented with posting on the MSNBC web site, col. 1, lines 43-51), providing the benefit of broadcaster specific supplemental content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen and Bouras to include coordinating a

television broadcast with supplemental content based upon the broadcaster of the television broadcast, as taught by Feinleib, for the benefit of providing broadcaster specific supplemental content, granting broadcasters a measure of control over what supplemental content is associated with their own broadcast programming.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen and Bournas as applied to claim 11 above, and further in view of Matthews and Feinleib.

Regarding claim 16, Yen and Bournas disclose the method of claim 11, and additionally disclose selecting context information based upon a television program (such as a broadcast football game, shown in Yen, col. 8 line 66 – col. 9 line 12), and selecting context information based upon a content category (information classes, Yen, col. 9 line 64 – col. 10 line 1), wherein context information is intelligently selected based upon a predetermined hierarchy which first searches the most specific criteria and progressively traverses the hierarchy upwards using less specific criteria until context information is found (as taught by Bournas, col. 7, lines 15-36). Thus the combination of Yen and Bournas teaches searching for context information based upon the most specific criteria first, and if no context information is found, applying progressively broader criteria (the television program, and then simply a content category) until context information is found.

Yen and Bournas fail to disclose selecting context information based upon an episode of a television program and selecting context information based upon a broadcaster identifier.

In an analogous art, Matthews teaches determining context information associated with the television programming based upon an episode of a television show (col. 7, lines 22-31), providing very specific additional information for viewers regarding viewed programming.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen and Bournas to include determining context information based upon an episode of a television show, as taught by Matthews, for the benefit of providing very specific additional information to viewers regarding individual episodes within a television series.

Yen, Bournas, and Matthews fail to disclose selecting context information based upon a broadcaster identifier.

In an analogous art, Feinleib teaches coordinating a television broadcast with supplemental content based upon the broadcaster of the television broadcast (the MSNBC cable broadcast is supplemented with posting on the MSNBC web site, col. 1, lines 43-51), providing the benefit of broadcaster specific supplemental content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Yen, Bournas, and Matthews to include coordinating a television broadcast with supplemental content based upon the

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broadcaster of the television broadcast, as taught by Feinleib, for the benefit of providing broadcaster specific supplemental content, granting broadcasters a measure of control over what supplemental content is associated with their own broadcast programming.

### ***Conclusion***

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner  
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DS



HAI TRAN  
PRIMARY EXAMINER